

ARTICLE III.

LAND USE

DIVISION 1.

GENERALLY

Sec. 13-301. Comprehensive plan incorporated

The Future Land Use Element of the Sumter County Comprehensive Plan establishes a land use classification for all parcels of land within the unincorporated area of Sumter County. In addition, land use policy requirements such as permissible land uses, densities/intensities, clustering requirements and minimum lot sizes are also established in this, and other elements, of the comprehensive plan. The purpose of this article is to set forth the regulations required to implement such land use classifications and requirements, and supplemental land use regulations determined necessary by the Commission. All land use within the unincorporated area of Sumter County shall comply with this article unless exempted pursuant to article VI. (Nonconforming Situations). Development that proposes density/intensity or land uses in conflict with those provided in the comprehensive plan must first be approved through the comprehensive plan amendment process.
(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-302--13-305. Reserved.

DIVISION 2.

LAND USE CLASSIFICATIONS, DENSITIES AND INTENSITIES

Sec. 13-306. Land use classifications.

The following eight (8) land use classifications have been established in the Future Land Use Element of the comprehensive plan and assigned to specific areas of the unincorporated portion of the county, as indicated on the Future Land Use Map (FLUM).

(a) *Conservation.* This classification designates relatively undisturbed natural areas which, because of their intrinsic qualities, have been acquired by governmental agencies for purposes of environmental protection, stormwater management, conservation and public recreation. These areas are generally composed of a high concentration of environmentally sensitive lands which justifies a lowering of density and intensity of development. Principal uses within this classification are limited to those permitted in the applicable management plan of the governing agency, however, forestry and native range land, parks and

recreation activity, and the lowest intensities of public uses necessary to provide only those public facilities or services to protect public health and safety are usually permitted.

(b) *Agricultural*. This classification designates either those land areas of long-term rural character, in keeping with the policy of modified compact growth, or those areas currently involved in agricultural activity, or that land which is composed of soils suitable for agricultural productivity, or other rural uses. Agriculture is recognized as the primary use in this classification and agricultural operations shall be accorded the "right to farm" privileges contained in Chapter 823.14, Florida Statutes. Additional principal uses are: (i) aquaculture, horticulture and forestry activities, (ii) residential and neighborhood commercial development, (iii) residential and RV planned unit development, (iv) excavation and mining activities, and (v) community facilities and services.

(c) *Residential*.

(1) *Rural residential*. This classification designates land areas where unincorporated rural communities currently exist or are to be expanded, and areas suitable for rural residential development. Principal uses within this classification are limited to rural residential, neighborhood commercial, residential and recreational vehicle planned unit development, and community facilities and services.

(2) *Low-density residential*. This classification designates land areas with existing low density residential development, or land areas suitable for such use. Principal uses within this classification are limited to residential, neighborhood commercial, residential planned unit development, and community facilities and services.

(3) *Medium-density residential*. This classification designates land areas with existing medium density residential development, or land areas suitable for such use. Principal uses within this classification are limited to residential, neighborhood commercial, residential planned unit development, and community facilities and services.

(4) *High-density residential*. This classification designates land areas with existing high density residential use, or land areas suitable for such use. Principal uses within this classification are limited to residential, neighborhood commercial, residential planned unit development, and community facilities and services.

(d) *Commercial*. This classification designates land areas with an existing predominance of general and high intensity commercial activity that provides a variety of sales and services to meet the needs of the general community, or land areas suitable for such use. Principal uses within this classification are limited to

commercial, residential and recreational vehicle planned unit development, and community facilities and services.

(e) *Industrial.* This classification designates land areas with existing industrial use or land areas suitable for manufacturing, fabrication, processing, assembling, treating, and large scale storage and warehousing, wholesaling and distribution and research and testing. Principal uses within this classification are limited to industrial and community facilities and services.

(f) *Recreational.* This classification designates land areas with existing major parks and recreational facilities, as well as some larger neighborhood facilities. Principal uses within this classification are limited to recreational facilities and community facilities and services.

(g) *Public uses/institutional/education.* This classification designates land areas with existing major government owned or sponsored facilities and other public uses, or land areas suitable for such use. General uses within this classification are churches, clubs, public and community facilities and services, medical clinics, hospitals, nursing homes and schools, colleges and universities.

(h) *Mixed use.* This classification is only assigned to the FLUM when it designates land areas approved for developments where (i) residential densities are higher than normally allowed, or (ii) there is a mixture of residential housing types, or (iii) there is a mixture of uses, or the property has been designated as a development of regional impact (DRI).

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2004-31, § 2, 9-28-04)

Sec. 13-307. Base densities and intensities.

(a) *Base residential densities.* Subject to other provisions of this chapter, maximum base residential densities for development in the various land use classifications have been established by the Future Land Use Element of the comprehensive plan as follows:

(1) *Conservation:* No residential units permissible except for governing agency personnel or use.

(2) *Agriculture:* One (1) residential unit per ten (10) gross acres.

(3) *Rural residential:* One (1) residential unit per gross acre.

(4) *Low density residential:* Two (2) residential units per gross acre.

(5) *Medium density residential:* Four (4) residential units per gross acre.

(6) *High density residential:* Six (6) residential units per gross acre.

(7) *Mixed use:*

- a. Developed as a development of regional impact: As provided in the development order.
 - b. Developed as a master planned development:
 1. Within a urban development area: Eight (8) residential units per gross acre
 2. Outside of an urban development area: Four (4) residential units per gross acre.
- (8) *Commercial:* One residential unit for owner/operator or security purposes per parcel.
- (9) *Industrial:*--One residential unit for owner/operator or security purposes per parcel.
- (10) *Recreational:*--No residential units permissible, except for governing agency personnel or use.

(b) *Base intensities.* Maximum base intensities for development in the following land use classifications have been established by the Future land Use Element of the comprehensive plan as follows:

- (1) *Agriculture:* Minimum parcel size is ten (10) acres unless the clustering provisions of policy 7.1.1.2, future land use element are utilized, which allows a minimum parcel size of one (1) acre.
- (2) *Rural residential:* Minimum parcel size is one (1) acre.
- (3) *Low density residential:* Minimum parcel size is one-half (1/2) acre.
- (4) *Medium density residential:* Minimum parcel size is one-fourth (1/4) acre subject to central water and sewer.
- (5) *High density residential:* The gross floor area ratio--0.6.
- (6) *Planned unit development:* The gross floor area ratio for residential and commercial lots within a Planned Unit Development shall be limited to:
 - a. *Residential development.*
 1. Within an urban expansion area:

- a) If within a residential classification--0.6
 - b) If within a commercial classification--0.7.
 - 2. Outside of urban expansion area--0.5.
 - b. *Commercial development.*
 - 1. Within an urban expansion area:
 - a) If within a residential classification--0.4.
 - b) If within a commercial classification--0.5.
 - 2. Outside of urban expansion area--0.3.
- (7) *Commercial:* The gross floor area ratio for commercial parcels within the commercial classification shall be limited to:
- a. Within urban expansion area--0.5.
 - b. Outside urban expansion area--0.3.
- (8) *Industrial:* The gross floor area ratio for industrial development shall be limited to 0.5.
- (9) *Institutional:* The gross floor area ratio for institutional development shall be limited to 0.5.
- (Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2004-31, §§ 3--6, 9-28-04)

Sec. 13-308. Density and intensity increases.

(a) *Special purpose density/intensity increases.* The base densities and intensities of section 13-307 may be increased for the special purposes herein specified, provided such increases are permitted by section 13-309.

(1) *Lineal descendants/ascendants.* Lineal descendants/ascendants. The base densities and intensities of section 13-307 may be increased for the special purposes herein specified, provided such increases are permitted by section 13-309.

a. The purpose of this section is to allow the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, child, stepchild, adopted child, or grandchild of a person who conveyed the parcel to said individual, notwithstanding the density or

intensity of use assigned to the parcel in the Sumter County Comprehensive Plan.

b. Parcels may be created under this section only from parent parcels which the grantor has owned a period of not less than five (5) years. This subsection b. does not apply to a parent parcel owned as of the effective date of this ordinance.

c. No building permit shall be issued as to a parcel created hereunder to any person other than the original family member to whom the property was conveyed for a period of three (3) years after the conveyance.

d. A property owner may transfer only one (1) parcel of land to each family member set forth above for the specific purpose of providing a parcel for the construction of a homestead.

e. The maximum number of parcels that may be created from a parent tract under this section is six (6).

f. Parcels created and remainder parcels in areas designated as agricultural on the FLUM shall have a minimum area of two (2) acres each. Parcels created and remainder parcels in other residential classifications shall each have the minimum area required by the parent tract's land use designation on the FLUM.

g. No transfer shall be allowed to a family member who has not attained age eighteen (18).

h. This section shall not be construed to override or abrogate private deed restrictions that prohibit such transfers.

i. Re-zoning to allow the higher density permitted by this section shall not constitute a precedent for similar re-zoning of other property in the area.

j. Parcels created hereunder shall front on a paved private road, a publicly maintained road or an easement. If a private easement is involved, it shall be a non-exclusive easement for ingress, egress and utilities; shall connect to a publicly maintained road, and have a minimum width of fifty (50) feet.

k. Flag lots are prohibited.

l. This section shall not apply to lots in platted subdivisions.

m. Each parcel created hereby must include sufficient upland for a home site. All of the created parcel or the remainder parcel cannot be in a flood zone.

n. No parcel may be created hereunder if the parent tract is the subject of a code compliance case until the code compliance issue is resolved.

o. The deed of conveyance shall include the following on the face of the deed and no re-zoning of the parcel shall be approved without a copy of the deed being provided to the county and unless the parcel complies with all of the provisions set forth herein, to-wit:

"This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 13-308(a)(1) of the Sumter County Code."

(2) *Tenants in common.* Tenants in common or joint tenants of parcels of record, who acquired said property prior to February 3, 1992, may transfer property between themselves for the purpose of dissolving the tenancy in common or joint tenancy among those tenants, provided the number of parcels created under this exemption does not exceed the number of tenants in common or joint tenants.

(3) *Reserved.*

(b) *Earned density increases.* The base densities of section 13-307 may be increased pursuant to the provisions of this subsection, provided such increases are permitted by section 13-309.

(1) *Utilization of infrastructure in agriculture classification.*

a. Residential densities in the agricultural classification may be increased from one (1) dwelling unit per ten (10) acres to one (1) dwelling unit per five (5) acres provided a proposed development achieves at least seventy (70) points out of a possible one hundred sixty-five (165) points. Points shall be awarded for a development's:

1. Proximity to areas designated on the FLUM as urban expansion areas, as follows:

0--0.5 mile = 60 points

0.5--1.0 mile = 50 points

1.0--1.5 miles = 40 points

1.5--2.0 miles = 30 points

2.0 - 2.5 miles = 20 points

2.5 - 3.0 miles = 10 points

2. Proximity to its district fire station, as follows:

0--3 miles = 20 points

3--6 miles = 10 points

3. Proximity to the nearest emergency medical services (ambulance) station, as follows:

0--3 miles = 20 points

3 - 6 miles = 10 points

4. Vehicular access to federal, state or county arterial or collector roads (as designated on Map VI-8, Future Traffic Circulation, Sumter County Comprehensive Plan) which meet or exceed the adopted levels of service, provided the development fronts on and provides access directly onto an arterial or collector, or is directly linked to such road by a paved road meeting county standards and not more than one-fourth (1/4) mile in length.

a) Where development has access to arterial road--10 points

b) Where development has access to collector road-- 5 points

5. Provision of central water and sewer services, provided such systems are either publicly owned, private not for profit owned, or a Florida Public Services Commission franchised system, as follows:

a) Development served by central water--10 points.

b) Development served by central sewer--10 points.

6. Proximity to public schools, as follows: Developments within two (2) miles of a public school shall be awarded ten (10) points provided state law does not require busing for the development.

b. The awarding of points for subsections a.1. through a.7. shall be subject to the following restrictions:

1. Points shall be awarded for only one item in each category, except water and sewer which may receive points for both services.

2. For subsections a.1., a.2., a.3. and a.6., distance shall be measured along the shortest driving distance on publicly maintained roads from the nearest point on the subject development tract to the applicable criteria.

3. When approved by the commission, developers may provide for fire service, emergency medical services, and water and sewer service in order to achieve sufficient points for development approval. However, for these services to qualify for the awarding of points, they must (i) provide a level of service at least equal to the level currently provided by the county if a level of service is not specified in the comprehensive plan, or (ii) where a level of service is specified in the comprehensive plan, provide a level of service at least equal to that specified.

(2) *Reserved.*

(3) *Dedication for public use.* Subject to the other provisions of this article, if (i) any portion of a tract lies within an area designated in this Code as an area for right-of-way acquisition, and (ii) before the tract is developed, or at platting, the owner of the tract, with the concurrence of the commission, dedicates to the county that portion of the tract so designated, then, when the remainder of the tract is developed, the permissible density at which the remainder may be developed shall be determined by regarding the dedicated portion of the original parcel as if it were still part of the lot proposed for development.

(c) *Earned intensity increases.* The base intensities of section 13-307 may be increased pursuant to the provisions of this subsection, provided such increases are permitted by section 13-309.

(1) *In agricultural classification.* Intensity of development in the agricultural classification may be increased above the base intensity of section 13-307 by the clustering of the allocated lots on a portion of the parcel, with the balance of the required development tract reserved as an agricultural conservation easement, as follows:

a. Where gross development density is not more than one (1) dwelling unit per ten (10) acres:

1. Lots may be clustered contiguously on suitable upland away from environmentally sensitive land, including wetlands and 100-year floodplains, and away from existing agricultural use on adjacent properties, on not more than the following percentages of the development tract:

a) If one (1) to four (4) lots are created--seventy-five (75) percent.

b) If five (5) to twenty (20) lots are created--fifty (50)

percent.

c) If twenty-one (21) to one hundred (100) lots are created--twenty-five (25) percent.

2. Minimum parcel size may be decreased to the following:

a) Where one (1) to four (4) parcels are created--two and one-half (2.5) acres.

b) Where five (5) to one-hundred (100) parcels are created--one (1) acre.

b. Where gross development density is between one (1) dwelling unit per five (5) acres and one (1) dwelling unit per ten (10) acres:

1. Lots shall be clustered contiguously on suitable upland away from environmentally sensitive land, including wetlands and 100 year floodplains, and away from existing agricultural use on adjacent properties, on not more than the following percentages of the required development tract:

a) If one (1) to twenty (20) lots are created--fifty (50) percent.

b) If twenty-one (21) to one-hundred (100) lots are created--twenty-five (25) percent.

2. Minimum parcel size may be decreased as follows:

a) Where no central water and sewer system is provided-- one (1) acre.

b) Where central water and septic tank is provided-- one-half (1/2) acre.

c) Where central water and sewer system is provided-- one-fourth (1/4) acre.

c. Agricultural conservation easements. Required agricultural conservation easements shall be provided as open space. used only for agriculture (no mining), passive recreation or preservation of natural areas. Such easements shall not be encumbered so as to impair their usefulness for the purposes intended herein, shall be in perpetuity, or until released by law, and shall be recorded as such in the records of Sumter County prior to a development permit being issued for the project.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2001-5, § 1, 3-13-01; Ord. No. 2004-31,

Sec. 13-309. Overlay zones.

There are areas within the commission's planning jurisdiction that cannot be developed at base or increased densities/intensities, or otherwise permitted uses, because of overriding considerations related to public health, safety and welfare. These areas are designated as overlay zones and are established and regulated as follows:

(a) *Special flood hazard overlay zones.*

(1) *Description.* Floodplains and floodways are hereby established as "special flood hazard" overlay zones, meaning that these zones are overlaid upon land use classifications and the land so encumbered may be used in a manner permitted in the underlying classification only if and to the extent such use is also permitted in the applicable overlay zone.

a. As used in this chapter, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms, and more specifically, to those land areas designated as subject to flooding from the base flood, whose boundaries are established by:

1. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) and dated March 15, 1982, a copy of which is on file in the Department, or

2. The U.S Dept. of Housing and Urban Development Flood Insurance Study for Sumter County, Florida, dated September 15, 1981, with accompanying maps and other supporting data, and any revision thereto, identifying areas of special flood hazard, or

3. A state or regional agency or the county engineer.

b. The areas defined in subsection a. are intended to correspond to the actual physical location of floodplains and floodways. (These overlay districts thus differ from other land use zones whose boundaries are established solely according to planning or policy, rather than physical criteria). Therefore, the director is authorized to make necessary interpretations as to the exact location of the boundaries of floodplains or floodways if there appears to be a conflict between a mapped boundary and actual field conditions.

c. The base flood area or floodway defined in subsections a. or b. shall comprise the floodplain or floodway overlay zone and may be

designated as such on the official zoning map.

d. Parcels designated as being located in a flood hazard area pursuant to subsections a. or b. may only have such designation removed when determination and certification to the contrary is provided as follows:

1. By an engineer who certifies that the base flood determined in subsections a. or b. is in error; or
2. By a surveyor who certifies that the subject parcel's elevation, or a portion thereof, is above the base flood elevation.

(2) *Density/intensity/use limitations.* Notwithstanding the base and increased densities of sections 13-307 and 13-308, development densities, intensities and uses within the floodplain overlay zones shall be subject to the following:

a. For development in the 100 year floodplain within an urban expansion area and other urban use areas--Density shall be limited to one (1) residential unit per five (5) acres unless an adequate site plan and mitigation measures to overcome the development constraints is provided or a FEMA Letter of Map Revision indicates that the area is no longer within the 100-year floodplain.

b. For development in the 100 year floodplain within the agricultural classification--Density shall be limited to one residential unit per ten acres unless an adequate site plan and mitigation measures to overcome the development constraints is provided.

c. As an Outstanding Florida Water, the quality of the waters of the Withlacoochee River shall be protected. Development within the Withlacoochee River riverine floodplain, as depicted on the Flood Insurance Rate Maps, shall be regulated to reduce or eliminate adverse impacts to the existing water quality of the river as follows:

1. Residential development shall not be permitted at a gross density of more than one (1) dwelling unit per ten (10) acres.
2. Non-clustered development (minimum lot size of 10 acres) may occur within the floodplain. Clustered development must occur outside the floodplain.

(b) *Environmental overlay zones.*

(1) *Description.*

a. As defined in Policy 1.2.2 of the Future Land Use Element of the comprehensive plan, the following are determined to be environmentally sensitive areas:

1. Wetlands as identified on Map VII-9 of the Future Land Use Element of the comprehensive plan. In addition to Map VII-9, wetland areas shall be as determined by the regional, state or federal regulatory agency having authority, including SWFWMD, FDEP and ACOE, and such determined wetland areas shall be considered "environmental" overlay zones.

2. Natural reservations as identified on Map VII-14 of the Future Land Use Element of the comprehensive plan.

3. Local areas of environmental concern as identified on Map VII-15 of the Future Land Use Element of the comprehensive plan.

b. These environmentally sensitive areas are hereby established as "environmental" overlay zones meaning that these zones are overlaid upon land use classifications and the land so encumbered may be used in a manner permitted in the underlying classification only if and to the extent such use is also permitted in the applicable overlay zone.

(2) *Density/intensity/use limitations.* Notwithstanding the base and increased densities of sections 13-307 and 13-308, development densities and intensities and uses within the environmental overlay zones shall be subject to the following:

a. Development within the agricultural classification shall be reduced to one (1) dwelling unit per ten (10) acres unless mitigation measures to overcome the development constraints are provided, including central water and central sewer.

b. Development within an urban expansion area and in other residential classifications shall be reduced as follows:

1. Developments with neither central water or central sewer shall be limited to one (1) dwelling unit per five (5) gross acres.

2. Developments with central water and individual septic tank shall be limited to one (1) dwelling unit per two and one-half (2 1/2) acres.

3. Developments with both central water and central sewer shall be limited to the density/intensity/use limitations allowed by the applicable zoning classification.

c. Notwithstanding the uses permitted by this chapter, development activity shall comply with regional, state or federal regulatory agency having authority in wetlands.

(c) *Constrained lands overlay zone.*

(1) *Description.*

a. Map VII-18 Constraints--Sumter County of the Future Land Use Element of the comprehensive plan indicates that certain areas of the county have soil types that place constraints on development. These soils have one or both of the following characteristics: (i) severe limitations for septic tank use (ii) soils of the hydrologic group "D". These land areas are hereby established as "constrained" overlay zones, meaning that these zones are overlaid upon land use classifications and the land so encumbered may be used in a manner permitted in the underlying classification only if and to the extent such use is also permitted in the applicable overlay zone.

b. Notwithstanding the presumption above, a property owner may prepare the necessary studies to rebut the finding that his property has the constraints indicated on Map VII-18. Such studies shall include verification of soil types by a soil scientist or geologist. The results of a study shall be utilized as follows:

1. If the total of the actual constrained area plus the wetlands and 100-year floodplain area is less than fifty (50) percent of the proposed development tract, the development will not be subject to the density and minimum lot size adjustments of subsection (2), provided all proposed development occurs on the unconstrained portion of the development tract.

2. If the total of the actual constrained area plus the wetlands and 100-year floodplain area is fifty (50) percent or more of the proposed development tract, the development shall be subject to the density and minimum lot size adjustments of subsection (2).

(2) *Density/intensity/use limitations.* Notwithstanding the base and increased densities of sections 13-307 and 13-308, development intensities within the areas determined to be constrained overlay zones shall be subject to the following:

a. *In agricultural classification.*

1. Where gross development density is not more than one (1) dwelling unit per ten (10) acres, the minimum parcel size shall be as follows:

a)

Where no central water and sewer system is provided--five (5) acres.

b)

Where central water system and individual septic tanks are provided--two and one-half (2.5) acres.

c)

Where central water and sewer system is provided, and:

1)

One (1) to four (4) lots are created--two and one-half (2.5) acres.

2)

Five (5) to one-hundred (100) lots are created--one (1) acre.

2.

Where gross development density is between one (1) dwelling unit per five (5) acres and one (1) dwelling unit per ten (10) acres, the minimum parcel size shall be as follows:

a)

Where no central water and sewer system is provided--five (5) acres.

b)

Where central water system and individual septic tanks are provided--two and one-half (2.5) acres.

c)

Where central water and sewer system is provided--one-fourth (1/4) acre

b.

In rural and low, medium and high density residential classifications:

1.

Where no central water and sewer system is provided--five (5) acres.

2.

Where central water system and individual septic tanks are provided--two and one-half (2.5) acres.

3.

Where central water and sewer system is provided--As allowed by the FLUM classification.

(d) *Wellfield and aquifer protection zones.*

(1)

Description.

a. As defined in policy 4.6.3.1 of the Utilities Element of the comprehensive plan, wellfield and aquifer protection zones shall be created around existing and future wellfields for community water supply systems, as defined in chapter 62-550.200, F.A.C, to protect such wellfields from possible contamination.

1. Primary zone--The area within a 200-foot radius circle around each wellhead.

2. Secondary zone--The area within a 500-foot radius circle around each wellhead, less the primary zone.

b. These wellhead protection zones are hereby established as "wellfield protection" overlay zones, meaning that these zones are overlaid upon land use classifications and the land so encumbered may be used in a manner permitted in the underlying classification only if and to the extent such use is also permitted in the applicable overlay zone.

c. For wellfields where individual wellhead protection areas overlap due to clustering, single combined primary and secondary zones will be assigned.

d. For purposes of implementing this subsection, the director shall prepare and maintain a wellfield protection map identifying all existing and proposed community water supply system wellfields and their respective protection overlay zones.

(2) *Density/intensity/use limitations.* Notwithstanding the base and increased densities of sections 13-307 and 13-308, development densities and intensities within the wellfield protection overlay zones shall be subject to the following:

a. A circle around the wellhead with a radius of 500 feet shall be established in which the following uses shall be prohibited:

1. Sanitary landfills.

2. Industrial landfills or other surface impoundments.

3. Wastewater treatment facilities such as plants, treatment ponds, and RIBs. However, sanitary collection systems and force mains, and distribution lines for reclaimed water meeting FDEP treatment requirements may be allowed as long as they meet the setback distances required by FDEP. Irrigation areas using reclaimed water meeting FDEP treatment requirements are exempt.

4. Facilities that produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et. seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, Chap. 252, Part II, F.S.
 5. Petroleum storage and dispensing facilities.
 6. Junkyards or salvage operations.
 7. Mines.
 8. Airport refueling facilities.
 9. Railroads and pipelines that may be used to transport pollutants or contaminants.
 10. Excavation of waterways or drainage facilities that intersect the water table. Stormwater management systems constructed under SWFWMD permits and not discharging contaminants are exempt.
 11. Proposed, existing or potential sanitary hazards (as defined in 62-550.200 FAC), or other conditions which may adversely impact the ambient groundwater water quality of the existing and proposed wells.
- b. Existing uses within the wellhead protection zones that violate this policy shall be evaluated by the county with advice from the SWFWMD to determine any risk to health, safety and welfare from possible contamination of the water source. The county shall determine necessary action, if any, for each wellfield.
- c. For future wellfields, the owner of the wellfield (or a utility or governmental or quasi -governmental body) shall own or legally control all of the land within a 200-foot radius of the wellhead. The land uses between the 200-foot and the 500-foot radius shall be controlled by the owner of the wellfield (or a utility or governmental or quasi-governmental body) either through direct ownership or legal control or easements, or if the well is a part of a unified development, through use and site development approval and deed restrictions. Land uses within the 500 foot protection zone shall be controlled during the zoning process for the wellfield and for subsequent land use changes or development permits that may occur within the 500 foot protection zone. (Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-1, 1-14-03)

Sec. 13-310. Table of development densities/intensities.

For informational purposes, Table 13-310A displays the general

requirements of sections 13-307 through 13-309 applied to the agricultural, residential and commercial land use classification.
(Ord. No. 96-23, § 9, 12-16-96)

Secs. 13-311--13-320. Reserved.

DIVISION 3.

RESERVED

Sec. 13-321--13-330. Reserved.

TABLE 13-310A DEVELOPMENT DENSITIES/INTENSITIES

GENERAL DENSITIES--INTENSITIES						
	Maximum Dwelling Units Per Gross Acre--Minimum Lot Size					
	Unconstrained Tract		Constrained Tract			
Future Land Use Map Classifications	no central water or sewer	central water and sewer	no central water or sewer	central water and septic tank	central water and sewer	Minimum Agricultural Conservation Easement Required
Agricultural - 1du/10 ac Without clustering	0.1du-10 ac	0.1du-10 ac	0.1du-10 ac	0.1du-10 ac	0.1du-10 ac	none
With clustering						
1--4 lots	0.1du-2.5ac	0.1du-2.5ac	0.1du-5 ac	0.1du-2.5ac	0.1du-2.5ac	25%
5--20 lots	0.1du-1 ac	0.1du-1 ac	0.1du-5 ac	0.1du-2.5ac	0.1du-1 ac	50%
21--100 lots	0.1du-1 ac	0.1du-1 ac	0.1du-5 ac	0.1du-2.5ac	0.1du-1 ac	75%
Agricultural 1du/5 ac (clustering required)						
1--20 lots	0.2du-1 ac	0.2du-1/4ac	0.1du-5 ac	0.1du-2.5ac	0.2du-1/4ac	50%
21--100 lots	0.2du-1 ac	0.2du-1/4ac	0.1du-5 ac	0.1du-2.5ac	0.2du-1/4ac	75%
Rural Residential	1du	1du	0.2du	0.4du	1du	
Low Density Res.	2du	2du	0.2du	0.4du	2du	
Medium Density Res.	4du	4du	0.2du	0.4du	4du	
High Density Res.		6du	0.2du	0.4du	6du	
PUD DENSITIES--INTENSITIES						
	Inside UEA			Outside of UEA		
	<i>maximum dwelling units per gross acre</i>	<i>maximum commercial floor area ratio</i>	<i>minimum open space required</i>	<i>maximum dwelling units per gross acre</i>	<i>maximum commercial floor area ratio</i>	<i>minimum open space required</i>
Agricultural				4du*	0.3	50%
Rural Residential	8du*	0.4	25%	4du*	0.3	50%
Low Density Res.	8du*	0.4	25%	4du*	0.3	50%
Medium Density Res.	8du*	0.4	25%			
High Density Res.	8du*	0.4	25%			
Commercial	6du*	0.5	25%	4du*	0.3	50%

* A maximum of two (2) additional dwelling units per gross acre may be approved pursuant to section 13-308(b)(2)

DIVISION 4.

LAND USE ZONES

Sec. 13-331. General.

This division defines and establishes land use zones, as allowed within each land use classification specified in Division 2.

(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-332. Land use zones established.

(a) *Zones established.* To accommodate the land use classifications, densities and intensities established in Division 2, and to protect and preserve property values from the encroachment of detrimental or adverse use of the land, the following land use zones are hereby established by category, and generally described.

(1) *Conservation category.* This category identifies and provides for publicly owned lands which are designated for environmental protection, conservation, stormwater management and limited public use.

a. *CV (Conservation) zone.* The purpose and intent of this zone is to designate and preserve lands which are owned by federal, state, regional and local agencies for purposes of environmental protection, conservation and stormwater management. Public or private use or development in this district is prohibited except when consistent with the controlling agency's policies and regulations and the Sumter County Comprehensive Plan. Principal uses shall be limited to those approved by the controlling agency.

(2) *Agricultural category.* This category identifies and provides for lands which are to be protected for the continuation or establishment of agricultural activities.

a. *A10 (General Agricultural with Optional Housing) Zone.* The purpose and intent of this zone is to allow all agricultural, aquaculture, forestry and horticulture activities either as a permitted or special use, and to allow one (1) conventional or mobile home dwelling unit per parcel as a permitted use. In addition, accessory uses and other special or conditional uses are allowed when specified in this chapter.

b. *A10C (General Agricultural with Conventional Housing) Zone.* The purpose and intent of this zone is to allow all agricultural, aquaculture, forestry and horticulture activities either as a permitted or special use, and to allow one (1) conventional or Class A mobile home dwelling unit per parcel as a

permitted use. In addition, accessory uses and other special or conditional uses are allowed when specified in this chapter

c. *AC (Agricultural Conservation) Zone.* The purpose and intent of this zone is to designate and preserve those lands voluntarily and specifically set aside by the owner, pursuant to the clustering provisions of this article, for agricultural, aquaculture, forestry and horticulture activities allowed either as a permitted or special use. Non-agricultural accessory uses and other special or conditional uses are not allowed unless specifically provided for in this chapter.

(3) *Residential category.* This category identifies and provides for lands which are suitable for providing persons who reside thereon with a comfortable, healthy, safe and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Unless specified otherwise in this chapter, in rural residential zones, the numeric value in the zone title denotes the minimum parcel size allowed, in acres. In residential zones, the numeric value denotes the maximum number of dwelling units allowed per gross acre.

a. *RR5 (Low Density Rural Residential with Optional Housing) Zone.* The purpose and intent of this zone is to provide a low density, rural residential atmosphere where families may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

b. *RR5C (Low Density Rural Residential with Conventional Housing) Zone.* The purpose and intent of this zone is to provide a low density, rural residential atmosphere where families may reside in one (1) conventional or Class A mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

c. *RR2.5 (Medium Density Rural Residential with Optional Housing) Zone.* The purpose and intent of this zone is to provide a medium density rural residential atmosphere where families may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel and grow food and keep livestock for domestic use and also to provide a buffer between agricultural and higher density residential uses.

d. *RR2.5C (Medium Density Rural Residential with Conventional Housing) Zone.* The purpose and intent of this zone is to provide a medium density rural residential atmosphere where families may reside in one (1) conventional or Class A mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

e. *RR1 (High Density Rural Residential with Optional Housing) Zone.* The purpose and intent of this zone is to provide a high density rural residential atmosphere where families may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

f. *RR1C (High Density Rural Residential with Conventional Housing) Zone.* The purpose and intent of this zone is to provide a high density rural residential atmosphere where families may reside in one (1) conventional or Class A mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

g. *R2M (Low Density Residential with Mobile Home Housing) Zone.* The purpose and intent of this zone is to provide a low density residential atmosphere where families may reside in one (1) Class A or B mobile home dwelling unit per parcel, and to provide a buffer between zones of lower and higher residential densities.

h. *R2C (Low Density Residential with Conventional Housing) Zone.* The purpose and intent of this zone is to provide a low density residential atmosphere where families may reside in one (1) conventional dwelling unit per parcel, and to provide a buffer between zones of lower and higher residential densities.

i. *R4M (Medium Density Residential with Mobile Home Housing) Zone.* The purpose and intent of this zone is to provide a medium density residential atmosphere where families may reside in one (1) Class A or B mobile home dwelling unit per parcel where central water and sewer systems may be supplied. It is also intended to provide a buffer between zones of lower and higher residential densities.

j. *R4C (Medium Density Residential with Conventional Housing) Zone.* The purpose and intent of this zone is to provide a medium density residential atmosphere where families may reside in one (1) conventional dwelling unit per parcel where central water and sewer systems may be supplied. It is also intended to provide a buffer between zones of lower and higher residential densities.

k. *R6M (High Density Residential with Mobile Home Housing) Zone.* The purpose and intent of this zone is to provide a high density residential atmosphere where families may reside in one (1) Class A or B mobile home dwelling unit per parcel where central water and sewer systems will be supplied. It is also intended to provide a buffer between zones of lower residential densities

and commercial or other higher use zones.

1. *R6C (High Density Residential with Conventional Housing) Zone.*

The purpose and intent of this zone is to provide a high density residential atmosphere where families may reside in one (1) conventional dwelling unit per parcel where central water and sewer systems will be supplied. It is also intended to provide a buffer between zones of lower residential densities and commercial or other higher use zones.

(4) *Commercial category.* This category identifies and provides for lands which are suitable for providing various intensities of commercial use. The properties on which such land use is located should be of such size, shape and location as to permit development of well organized commercial facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities.

a. *CN (Neighborhood Commercial) Zone.*

1. The purpose and intent of this zone is to provide for limited retail sales and services necessary to meet the immediate needs of the neighborhood from a location that is central, convenient, safe, and harmonious to existing and proposed development. This zone shall be limited to facilities no more than two stories (not exceeding twenty (20) feet in height), and not more than fifteen thousand (15,000) sq. ft. of gross leasable area per parcel.

2. Neighborhood commercial zones shall only be allowed within areas designated on the FLUM as follows:

a) Commercial, industrial or residential, or

b) Agricultural, provided such zone is within or adjacent to residentially zoned medium or major development.

3. The zone shall front on a road designated as arterial or collector on comprehensive plan Map VI-8 Future Traffic Circulation, or on another paved and publicly maintained road at a location with direct access to an arterial or collector road.

b. *CL (Light Commercial) Zone.*

1. The purpose and intent of this zone is to provide for harmonious retail and wholesale sales and services necessary to meet the general needs of a community, in which the principal activities are conducted entirely within an enclosed structure. This zone allows moderate processing of products as an accessory use to sales and services.

2. Light commercial zones shall only be allowed within areas designated as commercial on the FLUM.

c. *CH (Heavy Commercial) Zone.*

1. The purpose and intent of this zone is to provide for harmonious retail and wholesale sales and services necessary to meet the general needs of a community, in which the principal activities are conducted both inside and outside of an enclosed structure. Uses in this zone typically require outdoor storage or activities, have higher trip generation rates, or have the potential for greater nuisance effect on adjacent properties due to noise, light and glare, or typical hours of operation, than neighborhood and light commercial uses. This zone also allows moderate processing of products as an accessory use to sales and services.

2. Heavy commercial zones shall only be allowed within areas designated as commercial on the FLUM.

d. *CR (Regional Commercial) Zone.*

1. The purpose and intent of this zone is to provide for those retail and wholesale sales and services necessary to meet the needs of several communities, as well as intrastate or interstate visitors and commerce, and to allow a moderate amount of processing of products.

2. Regional commercial zones shall only be allowed within areas designated as commercial on the FLUM. This zone shall cluster in depth at intersections of federal, state or county arterial or collector roads.

e. *CP (Planned Commercial) Zone.*

1. *Scope, purpose and intent.* The purpose of the "CP" planned commercial district is to provide for any commercial land use currently available in any other commercial district. The intent of this zoning district is to establish "CP" districts individually under approved site plans, submitted either at the initial rezoning stage or prior to the actual development of the property, and conditions necessary to promote the general welfare and to secure economic and coordinated land use. CP is appropriate for situations where a mix of commercial uses is sought, or where a potential for negative impact to surrounding residential properties exists.

2. *General requirements.*

a) *Location.* Property zoned "CP" shall be allowed only in commercial areas on the FLUM.

- 1) *Roadway.* Fronting on a federal, state or county arterial or collector road at such location that will make it convenient to and easily accessible from intersecting federal, state or county arterial roads.
- b) *Minimum lot size.* There is no minimum lot size in the "CP" planned commercial district.
- c) *Minimum lot width.* There is no minimum lot width in the "CP" planned commercial district.
- d) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot they are located upon unless it can be demonstrated that provisions for drainage, parking, storage and public safety are adequate.
- e) *Maximum building height.*
 - 1) The maximum height for buildings designed for occupancy by persons shall be fifty (50) feet, unless otherwise approved by the Commission.
 - 2) Other structures. Any structure in excess of fifty (50) feet will comply with FAA Advisory circular 70-7460-ID, and any amendments thereto.
- f) *Minimum setback requirements.*
 - 1) *Roadways.* Following are the setbacks generally required under this chapter. These requirements may be waived on an individual basis where it is determined by the director of division of planning and development, and director of public works that a lesser setback would not be detrimental to proper land use, development, and the general welfare.
 - A. Arterial roadways: Seventy-five (75) feet from the road right-of-way, or one hundred fifteen (115) feet from the roadway centerline, whichever is greater.
 - B. Collector roadways: Fifty (50) feet from the road right-of-way, or one hundred (100) feet from the roadway centerline, whichever is greater.
 - C. Other county roads: Twenty-five (25) feet from the right-of-way, or fifty (50) feet from the roadway centerline, whichever is greater.
 - D. Corner lots shall be considered as

fronting on all adjacent roads for setback purposes.

E. Easements: Setbacks from private or public easements for ingress and egress shall be fifty (50) feet from the centerline of the easement.

2) *From rear or side property lines.* Fifteen (15) feet. Amount may be increased or decreased according to proposed uses and site plan layout.

3) *Sign structure setbacks.* Refer to 13-692(b) for sign setback requirements.

g) *Parking requirements.* Off-street parking and loading requirements shall be determined individually on each specific application and depend upon the requested land use and its potential intensity. All parking and loading areas shall be properly screened as determined by the division of planning and development.

h) *Access management.* Access points into the development must be paved.

i) *Screening and buffering requirements.* Generally, buffering and/or screening is required between incompatible land uses to protect adjoining uses from negative impacts. For specific information on buffering and screening requirements between land uses, see 13-612.

1) *Permitted uses.* In a "CP" planned commercial district, any commercial land use may be requested; however, the specific ordinance authorizing the establishment of a particular "CP" planned commercial district related to a specific tract of land shall delineate the allowable uses, and place conditions on the land use and operation of the commercial function. These conditions shall attach to the property.

3. *Approval procedures.*

a) *Preliminary development plan with application.*

1) In order to establish a "CP" planned commercial district, an application to the board of county commissioners shall be made on official forms obtained from the division of planning and development with a filing fee and shall be accompanied by a preliminary development plan drawn to scale and other information in such detail as to sufficiently indicate the proposed use of the site. Refer to Appendix A for preliminary plan submittal requirements.

2) Notice. The procedure of public notice and public hearing for rezoning to the "CP" planned commercial district shall be the same as that required for a change of zoning,

3) Approval procedure. The development review committee shall consider the application and forward its recommendation and proposed conditions to the zoning and adjustment board. The zoning and adjustment board shall consider the application and forward its recommendation to the board of county commissioners. If the recommendation is affirmative, the zoning and adjustment shall also forward recommended conditions pertaining to the particular application. Said conditions shall include but are not limited to:

A. Uses permitted in the "CP" district.

B. Performance standards for operation of the permitted uses.

C. Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.

D. The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "CP" planned commercial district and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance authorizing the establishment of the particular "CP" planned commercial district.

E. The final order shall be recorded in public records, at the applicant's expense. The recording may be delayed at the applicant's request until final engineering approval by the board of county commission, but may be delayed no more than one (1) year from the date of approval of the final order.

4) Term of development

A. The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one (1) year. Thereafter, construction must begin within one (1) year of engineering approval. A six-month extension may be obtained for good cause shown. The request for extension must be filed prior to the expiration of the use permit, and may be approved by the board of county commissioners upon a recommendation from the development review committee.

B. In the event development is not

commenced in accord with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

4. *Modification.*

a) *Minor modification.* A minor modification is defined as one which seeks changes in the site design and layout, and in changes of use which do not change the type or intensity of the approved uses. The director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A minor modification may be approved by recommendation of the development review board to the board of county commissioners. The application shall include a site plan showing the approved layout and the proposed changes. Detailed information shall be included concerning the proposed changes in use. If, after review, the DRC feels the proposed changes have the potential to create negative impact on surrounding properties, it may refer the case to the ZAB for its review and recommendation to the BOCC. The applicant will be required to remit the balance of the fee to equal that required for major modification.

2) Notice for a minor modification shall be the same as for minor use permits. If the DRC refers the case to the ZAB, public notice shall be given as required for public hearings

b) *Major modification.* A major modification is defined as one which seeks changes in the type or intensity of the approved uses. The director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A major modification shall require the same review procedure as the original application. The application shall include a site plan which shows the approved layout, and shall include detailed information concerning newly proposed uses.

2) Public notice shall be given as required for public hearings.

c) Modifications shall require the approval to be recorded in the public records at the applicant's expense.

(5) *Industrial category.* This category identifies and provides for lands which are suitable for activities primarily engaged in manufacturing, fabrication, processing, assembly, treating, service and repair of heavy vehicles and equipment, salvaging and recycling, storage and warehousing, wholesaling and

distribution, and research and testing. This category is intended to provide parcels of land for such industrial uses that do not present a threat to the public health, safety and welfare through air, water and noise pollution and other impacts. The properties on which such land use is located should be of such size, shape and location as to permit development of well organized industrial facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities. It is not the intent of this chapter to assign the various industrial activities to specific industrial zones according to what is manufactured, fabricated, processed, assembled, stored, warehoused, wholesaled, distributed or otherwise handled. Rather, the intent is to permit industrial activities on the basis of their exposure to, and effect on, adjoining industrial and non-industrial uses and on the general community.

a. *ID (Industrial) Zone.* The purpose and intent of this zone is as follows:

1. To provide for, by either permitted, special or conditional use, manufacturing, fabrication, processing, assembly, treating, servicing and repairing, salvaging and recycling, storage and warehousing, wholesaling and distribution, and research and testing where such activities have no more than a moderate adverse impact on adjoining non-industrial properties.
2. To provide for limited retail sales, including retail goods that include on-site production, those that involve significant truck traffic and those that may have significant secondary effects on other, more sensitive, land uses.
3. To prohibit uses within the zone which could interfere with development of industrial uses.
4. To prohibit uses within the zone which could have serious adverse effect on the surrounding area.

b. *IP (Planned Industrial) district.*

1. *Scope, purpose and intent.* The purpose of the IP planned industrial district is to provide for any industrial land use currently available in any other industrial district. The intent of this zoning district is to establish IP districts individually under approved site plans and subject to conditions necessary to promote the general welfare and to secure economic and coordinated land use. IP is appropriate for industrial development where a mix of industrial is sought, or where the potential for negative impacts to surrounding uses exists.

2. *Permitted uses.* In the IP planned industrial district, any industrial land use is permitted; however, the specific ordinance authorizing the establishment of a particular IP planned industrial district related to a specific

tract of land shall delineate the allowable uses and place conditions on the land use and operation of the industrial function. These uses and conditions shall attach to the property.

3. *General requirements.*

a) *Location.* Property zoned IP shall be allowed only in industrial areas on the future land use map.

b) *Roadway.* Fronting on a federal, state or county arterial road at such location that will make it convenient to and easily accessible from intersecting federal, state or county arterial roads;

c) *Minimum lot size.* There is no minimum lot size in the IP planned industrial district.

d) *Minimum lot width.* There is no minimum lot width in the IP planned industrial district.

e) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot they are located upon unless it can be demonstrated that provisions for drainage, parking, storage and public safety are adequate.

f) *Maximum building height.*

1) The maximum height for buildings designed for occupancy by persons shall be fifty (50) feet, unless otherwise approved by the commission.

2) Other structures. Any structure in excess of fifty (50) feet will comply with FAA Advisory circular 70-7460-ID, and any amendments thereto.

g) *Minimum setback requirements.*

1) *Roadways.*

A. Arterial roadways: Seventy-five (75) feet from the road right-of-way, or one hundred fifteen (115) feet from the roadway centerline, whichever is greater.

B. Collector roadways: Fifty (50) feet from the road right-of-way, or one hundred (100) feet from the roadway centerline, whichever is greater.

C. Other county roads: Twenty-five (25) feet from the right-of-way, or fifty (50) feet from the roadway centerline, whichever is greater.

D. Corner lots shall be considered as fronting on all adjacent roads for setback purposes.

E. Easements: Setbacks from private or public easements for ingress and egress shall be fifty (50) feet from the centerline of the easement.

2) *From rear or side property lines.* Twenty (20) feet. Amount may be increased or decreased according to proposed uses and site plan layout.

3) *Sign structure setbacks.* Refer to 13-692(b) for sign setback requirements.

h) *Parking.* Parking and loading requirements shall be determined individually on each specific application and depend upon the requested uses and their potential intensity. All parking and loading areas shall be properly screened as determined by the reviewing and deciding authorities.

i) *Access management.* Access points into the development must be paved.

j) *Screening and buffering requirements.* Generally, buffering and/or screening is required between incompatible land uses to protect adjoining uses from negative impacts. For specific information on buffering and screening requirements between land uses, see 13-612.

4. *Procedures.*

a) Preliminary development plan. In order to establish an IP planned industrial district, an application to the board of county commissioners shall be made on official forms obtained from the division of planning and development, with a filing fee and shall be accompanied by a preliminary development plan drawn to scale and other information in such detail as to sufficiently indicate the proposed use of the site. Please refer to Appendix A for preliminary plan submittal requirements.

b) *Approval procedures.* The development review committee shall consider the application and forward its recommendation and proposed conditions to the zoning and adjustment board. The zoning and adjustment board shall consider the application and forward its recommendation to the board of county commissioners. If the recommendation is affirmative, the

zoning and adjustment board shall also forward recommended conditions pertaining to the particular application. Said conditions shall include but are not limited to:

- 1) Uses permitted in the "IP" district.
 - 2) Performance standards for operation of the permitted uses.
 - 3) Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.
 - 4) The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "IP" planned commercial district and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance authorizing the establishment of the particular "IP" planned commercial district.
 - 5) The final order shall be recorded in public records, at the applicant's expense. The recording may be delayed at the applicant's request until final engineering approval by the board of county commission, but may be delayed no more than one (1) year from the date of approval of the final order.
- c) *Notice.* The procedure of public notice and public hearing for rezoning to the IP planned industrial district shall be the same as that required for a change of zoning.
- d) *Term of development.*
- 1) The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one (1) year. Thereafter, construction must begin within one (1) year of engineering approval. A six-month extension may be obtained for good cause shown. The request for extension must be filed prior to the expiration of the use permit, and may be approved by the board of county commissioners upon a recommendation from the development review committee.
 - 2) In the event development is not commenced in accord with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

5. *Modification.*

a) Minor modification. A minor modification is defined as one which seeks changes in the site design and layout, and in changes of use which do not change the type or intensity of the approved uses. The Director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A minor modification may be approved by recommendation of the Development Review Board to the Board of County Commissioners. The application shall include a site plan showing the approved layout and the proposed changes. Detailed information shall be included concerning the proposed changes in use. If, after review, the DRC feels the proposed changes have the potential to create negative impact on surrounding properties, it may refer the case to the ZAB for its review and recommendation to the BOCC. The applicant will be required to remit the balance of the fee to equal that required for Major Modification.

2) Notice for a minor modification shall be the same as for minor use permits. If the DRC refers the case to the ZAB, public notice shall be given as required for public hearings

b) Major modification. A major modification is defined as one which seeks changes in the type or intensity of the approved uses. The Director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A major modification shall require the same review procedure as the original application. The application shall include a site plan which shows the approved layout, and shall include detailed information concerning newly proposed uses.

2) Public notice shall be given as required for public hearings.

c) Modifications shall require the approval to be recorded in the public records at the applicant's expense.

(6) *Recreational category.* This category identifies and provides for lands which are suitable for providing outdoor recreational use. The properties on which such land use is located should be of such size, shape and location as to permit development of well organized public facilities with proper access roads, ingress and egress, off-street parking and other necessary requirements and amenities.

a. *REC (Recreation) Zone.* The purpose and intent of this zone is to provide lands which are suitable for regional, district, community or neighborhood parks and other primarily passive outdoor recreational facilities.

(7) *Public uses, institutional and educational category.* This category identifies and provides for lands which are suitable for conducting public services provided by public, quasi-public and semi-public entities. The properties on which such land use is located should be of such size, shape and location as to permit development of well organized facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities.

a. *PIE (Public/Institution/Education) Zone.* The purpose and intent of this zone is to provide lands which are suitable for government offices, educational, health, social services, religious, utility, transportation, correctional (prison) and other public type facilities.

(8) *Planned unit development category.* Planned unit development category. This category identifies and provides for lands which are suitable for unified development consisting of uses allowed in one (1) or more of the other various zones provided herein and properties which are located in the mixed use land use district, or are developed as developments of regional impact, and which therefore are suitable for unified development.

The purpose of this category is to provide flexibility to the developer who subdivides property for construction of buildings on lots created in accordance with a unified and coherent plan of development. Such plan must be consistent with the public health, safety and welfare and not exceed the gross density allowed by this chapter. PUD's are subject to the provisions of sections 13-307 through 13-309. In addition, the approving authority may require a density below the maximum base density when conditions warrant. Factors such as site and location characteristics, roadway conditions, or any other factor which makes more intense development inappropriate, shall be considered. The properties on which such land use is located should be of such size, shape and location as to permit development of well organized facilities with proper access roads, ingress and egress, off-street parking, loading space, open space and other necessary requirements and amenities. A planned unit development may require a comprehensive plan amendment as a mixed use category prior to a RPUD or RVPUD zoning and development permits being issued.

a. *RPUD (Residential Planned Unit Development) Zone.*

1. *Purpose and intent.* The purpose and intent of this zone is to provide lands which are suitable for planned residential communities, multi-family or mixed-use residential/commercial developments, on relatively large tracts of land under unified ownership or control, while encouraging coherent, flexible and creative concepts of site planning which:

a) Accomplishes a more desirable environment than

would be possible through the strict application of standard zoning requirements.

- b) Provides a stable environmental character compatible with surrounding areas.
- c) Creates functional and attractive developments.
- d) Preserves the natural amenities of the land by providing scenic and functional open areas.
- e) Provides for an efficient use of land resulting in a smaller network of utilities and streets and thereby lowering development and housing costs.

2. *Optional and mandatory PUD.*

a) Optional PUD. PUD is optional within urban expansion areas when:

- 1) Residential development does not exceed the base density allowed by the comprehensive plan and this chapter, and
- 2) The residential development is not more than one hundred fifty (150) dwelling units inside an urban development boundary or one-hundred (100) dwelling units outside an urban development boundary, or if with a mix of uses, residential/commercial development does not exceed twenty (20) percent of the development of regional impact threshold as established by F.S. ch. 380.
- 3) Optional PUD does not require a comprehensive plan amendment.

b) Mandatory PUD. PUD is mandatory when:

- 1) The property is located within a mixed use land use category, or
- 2) The residential development is more than one hundred fifty (150) dwelling units inside an urban development boundary or one-hundred (100) dwelling units outside an urban development boundary, or if with a mix of uses, residential/commercial development exceeds twenty (20) percent of the development of regional impact threshold as established by F.S. ch. 380.

3. *Design.* While departure from the strict application of conventional zoning and development requirements is allowed, all RPUDs shall

be designed and developed so as to prevent traffic congestion, provide for the most efficient use of public facilities and services, promote compatibility with surrounding land uses, and preserve the integrity of the neighborhoods within which they are located.

4. *Location.* RPUDs shall be located as follows:

a) In UDAs. All RPUDs proposed for location within areas designated as urban development areas on the FLUM shall be located on a road designated as arterial or collector on comprehensive plan map VI-8 future traffic circulation, or on a paved and county maintained local road at a location with direct access, of not more than one-quarter (1/4) mile in length, to an arterial or collector road.

b) Outside of UDAs. All RPUDs proposed for location outside of areas designated as urban development areas on the FLUM shall be located on a road designated as arterial or collector on comprehensive plan map VI-8 future traffic circulation, or on a paved and county maintained local road at a location with direct access, of not more than one-quarter (1/4) mile in length, to an arterial or collector road. RPUDs located outside of areas designated as urban development areas must be located within the appropriate land use category prior to the RPUD land use zone approval and issuance of development permits.

5. *Size.* The minimum size requirements for an RPUD zone are as follows:

a) Outside an urban development boundary on the FLUM--Twenty (20) acres and a minimum of one-hundred one (101) dwelling units.

b) Within an urban development boundary on the FLUM--Ten (10) acres, except that development within urban development areas where all units qualify as low-income housing may be allowed on five (5) acres.

c) Within the commercial classification on the FLUM--Five (5) acres, except that development within urban development areas where all units qualify as low-income housing may be allowed on two and one-half (2 1/2) acres.

6. *Commercial/residential floor area.* In addition to density/intensity requirements in other sections of this chapter, the following minimum and maximum commercial and residential gross floor area requirements shall apply to RPUD zones:

a) Within designated residential classifications, the commercial floor area shall not exceed ten (10) percent of the residential gross

floor area approved for occupancy.

b) Within designated commercial classifications--The residential floor area approved for occupancy shall not exceed the commercial gross floor area approved for occupancy.

c) Within designated agricultural classifications--At any time there must be at least twenty (20) square feet but not more than seventy (70) square feet of commercial floor area approved for occupancy for every dwelling unit approved for occupancy.

d) Notwithstanding a) through d), RPUDs that are also DRIs, shall provide onsite commercial facilities and services to reduce off-site transportation trips, as specified in the approved development order.

7. *Open space.* RPUDs shall provide the following minimum area as common open space:

a) Within an urban development area--Twenty-five (25) percent of the required development tract.

b) Outside of urban development area--Fifty (50) percent of the required development tract.

8. *Principal uses.* The principal uses allowed in an RPUD shall be limited to those specified in the approved RPUD master plan.

9. *Recreation.* RPUDs of two hundred (200) or more residential units shall provide recreational facilities appropriate to the area.

b. *RVPUD (Recreational Vehicle Planned Unit Development) Zone.*

1. *Purpose and intent.* The purpose and intent of this zone is to provide lands which are suitable for providing camping facilities for the traveling public on a temporary or transient basis, and facilities for "extended occupancy" camping for semi-permanent residents, on relatively large tracts of land under unified ownership or control, while encouraging coherent, flexible and creative concepts of site planning which:

a) Require that a RVPUD be under unified control, and planned and developed in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. It is not the intent of these RVPUD regulations to provide for individual lot ownership and therefore no single RV site, or group of sites less than the minimum area required for the RVPUD zone, shall be sold, or ownership transferred in any way at any time.

b) Establish appropriate standards for the location, development and operation of RVPUDs which provide an environment in which these facilities may be located in an outdoor setting, and to provide a means whereby such uses occurring upon the land will be compatible with surrounding properties.

2. *Mandatory RV planned unit development (RVPUD).* All recreational vehicle developments shall be developed under RVPUD zoning and the principal use in this zone shall be sites occupied by RV's. Outdoor recreation, tents and cabins, and functionally dependent facilities are allowed as accessory uses in this zone.

3. *Use approval conditions.*

a) RVPUDs within commercial land use areas inside an urban expansion area are permitted uses at the densities specified in subsection (a)(8)b.7 of this section. Development must comply with all relevant portions of this Code.

b) RVPUDs within the low density residential land use areas inside an urban expansion area may be approved at the densities specified in (a)(8)b.7 of this section. The approving authority may grant approval subject to conditions of development deemed necessary to assure compatibility with surrounding land uses.

c) RVPUDs within rural residential land use areas inside an urban expansion area may be approved at the densities specified in (a)(8)b.7 of this section. The approving authority may grant approval subject to conditions of development deemed necessary to assure compatibility with surrounding land uses.

d) All RVPUD development outside of an urban expansion area requires a comprehensive plan amendment to the PUD land use category (Objective 7.1.5 et. seq., Sumter County Comprehensive Plan). Densities will be controlled according to the standards for mixed use. Upon adoption of the required land use, an application for RVPUD may be filed. The approving authority may grant approval subject to conditions of development deemed necessary to assure compatibility with surrounding land uses.

4. *Use considerations.* Because of the higher densities of RVPUDs, and because of the residential/commercial nature, placement of this use requires special consideration. The reviewing and deciding authorities must consider the impact of the use on surrounding property.

In addition to application materials required for special use applications under this

chapter or for comprehensive plan amendments, RVPUD use applications must provide impact studies on surrounding property and uses, including:

- a) Preliminary traffic impact assessment: This study shall be designed to predict the impact of the proposed development on the transportation system that provides direct access to the subject property. The study shall include, but is not necessarily limited to, the following information:
 - 1) Project description: Site location, conceptual site plan, proposed land uses
 - 2) Trip generation projections: Current edition of the Institute Transportation Engineers (ITE) Trip Generation Manual.
 - 3) Transportation system identification: Directly accessed road segments.
 - 4) Road segment existing traffic conditions and level of service (LOS): Average daily traffic, FDOT generalized LOS tables.
 - 5) Planned road improvements: FDOT five-year transportation improvement plan and county capital improvement program.
 - 6) Transportation concurrency assessment: Planned road improvements, project trip assignment, county adopted LOS standards, and FDOT generalized LOS tables.
 - 7) Emergency services identification: Location and response time for emergency services.
 - 8) Potential provisions for maintaining the minimum level of service adopted by the commission for affected roadways and intersections.
 - 9) Traffic impact study methodology: This impact study shall be prepared and signed by a professional traffic engineer.
- b) Suitability of proposed site (wetlands, drainage, roadway, emergency services).
- c) Site plan showing proposed and required buffering and screening, and design factors promoting cohesiveness of the proposed use and the existing neighborhood.

In reviewing special use applications or land use amendments for RVPUDs, the reviewing and deciding authorities must consider the probability the proposed use

can blend with the existing development trend of the neighborhood. It may deny the application, reduce densities, or require mitigation techniques if it determines the development will degrade the quality of life on surrounding properties.

5. *Design.* While departure from the strict application of conventional zoning and development requirements is allowed, all RVPUDs shall be designed and developed so as to prevent traffic congestion, provide for the most efficient use of public facilities and services, promote compatibility with surrounding land uses, and preserve the integrity of the neighborhoods within which they are located.

6. *Utilities.* All RVPUDs must supply central potable water and central sanitary sewer facilities.

7. *Location.* RVPUDs shall be located as follows:

a) In UEAs. All RVPUDs proposed for location in areas designated as urban expansion areas on the county comprehensive plan future land use map (FLUM) shall be in the low density residential, rural residential or commercial areas on said map and shall be located on a road designated as arterial or collector on comprehensive plan map VI-8 future traffic circulation, or on a paved and county maintained local road at a location with direct access of not more than one-quarter (1/4) mile in length to an arterial or collector road.

b) Outside of UEAs. In addition to meeting the requirements of F.S. ch. 163.3167 et seq., all RVPUDs proposed for location outside of areas designated as urban expansion areas on the FLUM must achieve a minimum score of seventy (70) points pursuant to section 13-308(b)(1) and shall be located on a road designated as arterial or collector on comprehensive plan map VI-8 future traffic circulation, or on a paved and county maintained local road at a location with direct access of not more than one-quarter (1/4) mile in length to an arterial or collector road.

c) Conflict with residential areas. An RVPUD shall be so located so that no park entrance or exit unnecessarily discharges traffic into any residential district, or requires movement of traffic to or from the park through a residential district.

d) All RVPUD zones shall be located so as to have a minimum of three hundred thirty (330) feet frontage on a publicly maintained road.

8. *Size.* The minimum size requirements for an RVPUD zone are as follows:

a) All RVPUDs proposed for location within areas designated as urban expansion areas on the FLUM shall have a minimum land area of:

1) Within the low density residential classification on the FLUM, twenty (20) acres.

2) Within the rural residential classification on the FLUM, ten (10) acres.

3) Within the commercial classification on the FLUM, five (5) acres.

b) All RVPUDs proposed for locations outside of areas designated as urban expansion areas on the FLUM shall have a minimum of one hundred one (101) RV sites and a minimum land area of twenty (20) acres.

9. *Densities.* The maximum allowable densities in RVPUDs shall be controlled according to land use location as follows:

a) Within an urban expansion area:

1) Commercial land use: Fourteen (14) units per gross acre.

2) Rural residential land use: Ten (10) units per gross acre.

3) Low density residential: Six (6) units per gross acre.

b) Outside an urban expansion area: Four (4) units per gross acre.

10. *Commercial facilities.* In addition to density/intensity requirements in other sections of this chapter, the following minimum and maximum commercial gross floor area requirements shall apply to RVPUD zones.

a) Outside of urban expansion areas. At any time there must be at least ten (10) square feet, but not more than twenty-five (25) square feet, of commercial floor area approved for occupancy for every RV space approved for occupancy.

b) In urban expansion areas. Commercial development is not required, but if provided the commercial floor area shall not exceed thirty-

five (35) square feet of commercial for every RV space approved for occupancy.

11. *Open space.* RVPUDs shall provide the following minimum area as common open space:

- a) Within an urban expansion area, twenty-five (25) percent of the required development tract.
- b) Outside of urban expansion area, fifty (50) percent of the required development tract.

12. *RV site occupancy.* For purposes of type and length of occupancy within an RVPUD, RV sites shall be classified as follows:

- a) *Class "A" site.* This site may be used for the year round placement and occupancy of an RV. Additions to park or travel trailer RVs, such as enclosed living area, carports, screen rooms and storage rooms of conventional construction are allowed. Class "A" sites shall meet the land use and development standards contained elsewhere in this chapter.
- b) *Class "B" site.* This site is intended for the placement or occupancy of an RV unit, without additions or attachments, for a temporary or transient type of placement and occupancy of not more than six (6) months in any period of twelve (12) consecutive months. Additions such as carports, screen rooms, storage rooms and enclosed living area are prohibited on these sites. Class "B" sites shall meet the land use and development standards contained elsewhere in this chapter.

13. *Principal uses.* The principal uses allowed in an RVPUD shall be limited to those specified in the approved use application or in the PUD master plan for those requiring comprehensive plan approval.

(9) *Master Planned development category.* This category shall be applied to developments proceeding under the density bonus increase policies 7.1.1.6 in the comprehensive plan. It may also be applied developments in agricultural, rural residential or low density residential or mixed use land use categories where a developer seeks more flexibility in layout and design.

The purpose of this category is to allow planning and design flexibility, and to allow master planning of a development through joint agreements between the developer and Board. Such plans must be consistent with the public health, safety and welfare. Master Planned developments are subject to the provisions of sections 13-307 through 13-309. Density shall be as allowed in this chapter for the land use category or through the comprehensive plan policies, as applicable. The properties on which a master planned development is located should be of such size, shape and location as to permit development of well organized facilities with

proper access roads, ingress and egress, open space and other necessary requirements and amenities.

MPD (Master Planned Development) Zone.

1. *Purpose and intent.* The purpose and intent of this zone is to provide lands which are suitable for well designed residential communities, multi-family or mixed-use developments, on appropriately sized tracts of land under unified ownership or control, while encouraging coherent, flexible and creative concepts of site planning which:

- a) Accomplishes a more desirable community and environment than would be possible through the strict application of standard zoning requirements.
- b) Provides a stable community and environmental character compatible with surrounding areas.
- c) Creates functional and attractive developments.
- d) Preserves the natural amenities of the land by providing scenic and functional and interconnected open areas.
- e) Provides for an efficient use of land resulting in a smaller network of utilities and streets and thereby minimizing infrastructure, development and housing costs.
- f) Promotes the establishment of communities that support civic pride and responsibility.

2. *Optional and mandatory MPD.*

- a) Optional MPD. MDP is optional when:
 - 1) Development does not exceed the base density or intensity allowed by the comprehensive plan and this chapter, and
 - 2) The developer wishes to have flexibility in land uses, lot sizes, setbacks, and design and is willing to create site design features and improvements beyond the minimum required to enhance the quality of the overall development.
- b) Mandatory MPD. MPD is mandatory when the property is proceeding under the density bonus increase policies of the comprehensive plan.

3. *Design standards.* Departure from the strict application of land

uses, lot size and setback requirements are allowed, however all MPDs shall be designed and developed to promote compatibility with surrounding land uses, assure appropriate supporting infrastructure while minimizing public infrastructure costs, preserve and enhance the natural amenities of the land, conserve natural resources, and provide open spaces. It is the intent of this section to allow dialogue and flexibility of design standards within the master planning process between the applicant and the approving authorities. However, matters of health, safety and welfare shall remain the priorities, and deviation for adopted standards must meet with approval of the Board of Sumter County Commissioners.

4. *Layout.* The lots within a MPD shall be clustered on uplands, in a manner to preserve the function and integrity of the site's natural areas and environmental systems. Flexibility of minimum lot widths and size is allowable, and can be determined during the master plan approval process. Lots must be of sufficient size and width to accommodate structures, and lots of under one half acre will require affirmative justification. Lot layout and design must be compatible with the design and layout of the overall site. The location of lots shall be arranged in a manner sensitive to the natural areas of the site and shall seek to provide lots with a view of the natural areas or access to the natural areas. The design of the site shall provide for potential future roadway connections to surrounding properties.

5. *Implementation, maintenance, and enforcement* MPD's shall be implemented through

- a) An approved master plan detailing specific layout and design features, numbers of lots, allowable uses, and location of open space.
- b) A memorandum of agreement between the developer and the board specifying the details on the responsibility for the provision of infrastructure and its maintenance,
- c) Contracts, conservation easements, and any other legal documents as deemed appropriate by the Board to implement the agreement for the MPD.
- d) Areas of the master planned development that are designated as preservation areas, for habitat enhancement, wetland enhancement, or as expansion of an existing wildlife corridor, must be subject to a conservation easement as defined in F.S. § 704.06 with a third party entity approved by the board. The third party entity may be a public agency or a non-profit agency with long term experience in maintenance of conservation areas.
- e) Plans for habitat enhancement, wildlife management programs, and wetlands enhancements must be designed by a certified biologist,

must use best management practices, and meet the approval of the state agency with general or specific authority, jurisdiction and permitting over the usage.

f) A homeowners association as defined in F.S. ch. 720 shall be established and maintained with the duty and authority to implement and maintain the common areas, infrastructure, easements, contracts and agreements as required comply with the approved master plan of development.

g) Failure of the homeowners association and the member residents to maintain the provisions of the approved plan of development shall be a violation of this chapter and subject to code compliance action.

6. *Location.* MPDs may be located as follows:

a) Mandatory MPD's shall be located on a road designated as arterial or collector on comprehensive plan map VI-8 future traffic circulation, or on a paved and county maintained local road at a location with direct access, of not more than one-quarter (1/4) mile in length, to an arterial or collector road.

b) Developments proceeding under the density bonus provisions of 7.1.1.6 of the comprehensive plan must be located in an area designated as agricultural land use.

c) Optional MPD's may be located in agricultural, rural residential, low density residential or mixed use land use areas. They must be located on or within one quarter (1/4) mile of an arterial or collector road or other paved and County maintained roadway.

7. *Size.* The minimum size requirements for an MDP zone are as follows:

a) Outside an urban development boundary on the FLUM--
One hundred (100) acres

b) Within an urban development boundary on the FLUM--
Fifty (50) acres.

8. *Open space.* MPDs shall provide common, undivided open spaces. While open space may be used for passive drainage, the primary goal is as natural areas, opportunity to maintain or restore native habitats and recreation for the residents. The open space shall be configured to create opportunities to provide connections to open space and existing native habitats off-site to create a larger contiguous open space network within the county to support and maintain the natural environment of the county. Open space internal to the project shall be designed to provide an integrated and connected open space network and habitat for wildlife.

(b) *Official Zoning Map.*

(1) *Map adopted.* There shall be a map established, drawn and maintained pursuant to Sumter County Ordinance 73-1, as amended from time to time, known and designated as the Sumter County Official Zoning Map (herein referred to as zoning map). It shall be prepared and maintained by the director, and shall show the boundaries and identifications of all land use zones within the county's planning jurisdiction. The map is hereby adopted and incorporated herein by reference. This map shall be dated and drawn and maintained either electronically or manually, to scale, on acetate or other durable material from which copies can be made, to show the current zoning of all parcels of land within the commission's jurisdiction.

(2) *Map replaced.* Should the zoning map be lost, destroyed or damaged, the director may have a new map prepared from available records and previous zoning maps. No further board authorization or action is required for this so long as no district boundaries are intentionally changed in the process.

(c) *Applicability to existing parcels.*

(1) *Lots divided by zone lines.* Whenever a single parcel is located within two (2) or more different land use zones, each portion of that parcel shall be subject to all the regulations applicable to the zone in which it is located.

(d) *Allowable zones within land use classifications.* Table 13-332A identifies one or more zones allowed within each land use classification on the FLUM of the comprehensive plan. Although only the zone containing the highest allowable density is shown for each situation, zones containing larger parcel sizes and lower densities may also be approved.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2001-12, §§ 1--3, 10-9-01; Ord. No. 2004-31, § 11, 9-28-04; Ord. No. 2005-9, § 5, 4-12-05; Ord. No. 2006-22, § 1, 7-25-06)

Secs. 13-333--13-360. Reserved.

TABLE 13-332A MINIMUM ALLOWABLE ZONES

Future Land Use Map Classifications	Minimum Zones Allowed					
	Unconstrained Tract		Constrained Tract			
	no central water or sewer	central water and sewer	no central water or sewer	central water and septic tank	central water and sewer	Other zones allowed
Agricultural - 1du/10ac						
Without clustering	A10 A10C	A10 A10C	A10 A10C	A10 A10C	A10 A10C	CN
With clustering 1-4 lots	RR2.5 RR2.5C	RR2.5 RR2.5C	RR5 RR5C	RR2.5 RR2.5C	RR2.5 RR2.5C	CN AC
5--100 lots	RR1 RR1C	RR1 RR1C	RR5 RR5C	RR2.5 RR2.5C	RR1 RR1C	CN AC
Agricultural 1du/5 ac with clustering 1--100 lots	RR1 RR1C	R4C R4M	RR5 RR5C	RR2.5 RR2.5C	R4C R4M	CN AC
Rural Residential	RR1 RR1C	RR1 RR1C	RR5 RR5C	RR2.5 RR2.5C	RR1 RR1C	CN
Low Density Res.	R2M R2C	R2M R2C	RR5 RR5C	RR2.5 RR2.5C	R2M R2C	CN
Medium Density Res.	R4M R4C	R4M R4C	RR5 RR5C	RR2.5 RR2.5C	R4M R4C	CN
High Density Res.		R6M R6C	RR5 RR5C	RR2.5 RR2.5C	R6M R6C	CN
Conservation	CV					
Planned Unit Development	RPUD, RVPUD					
Commercial	CN, CL, CH, CR					
Industrial	ID					
Recreational	REC					
Public Uses, Institutional, Education	PIE					

DIVISION 5.

LAND USES

Sec. 13-361. General.

(a) *Legitimate land uses accommodated.* The presumption established by this chapter is that, unless expressly prohibited, all legitimate uses of land may be allowed as either a permitted, special, conditional, temporary or accessory use within at least one land use zone in the commission's jurisdiction.

(b) *Types of uses.* All uses of land, and associated structures, shall be assigned as one of the following four types: principal use, temporary use, accessory use or prohibited use.
(Ord. No. 96-23, § 9, 12-16-96)

Sec. 13-362. Principal uses.

(a) *Principal uses.* As indicated by the land use permit requirements of

article II, Division 3, the principal or main use(s) and associated structures of a property shall be allowed as one of the following:

(1) *Permitted use.* This use is hereby established as the general use(s) in the various land use zones, as specified in Table 13-362A, and is a use of right when in compliance with the requirements of this chapter.

(2) *Special use.* This use is hereby established to allow uses not normally permitted in the various land use zones. A special use is not a use of right and there is no presumption that it will be granted.

(3) *Conditional use.* This use is hereby established to conditionally allow specified uses that, because of their unique characteristics, are not permitted as a matter of right, special use or otherwise allowed by this Code. Such conditional uses, unless properly controlled, pose potentially serious health, safety or welfare concerns for the community. Therefore, it is the intent of the commission to ensure, through available and reasonable methods, that the location, construction, operation, and maintenance of a conditional use produces minimal adverse effect on the environment and public health, safety, and welfare, and to fully balance the need for such conditional use with the broad interests of the public. A conditional use permit is not a permit of right and there is no presumption that such a permit will be granted. Principal uses only allowed as conditional uses are specified in Table 13-362A, and may be approved for a period of time as specified by the commission.

(b) *Change in principal use.*

(1) *Substantial change.* A substantial change in the principal use of property occurs whenever the essential character or nature of the activity conducted on the property changes to the extent that:

- a. The new principal use is not a permitted use, or
- b. The new principal use is a different special or conditional use than the one previously approved.

(c) *Table of principal uses.*

(1) *Table of uses.*

- a. Table 13-362A lists the various principal land uses and indicates in which land use zones the uses are permissible as permitted, special or conditional uses. This table should be read in close conjunction with the definitions of terms set forth in section 13-41 and the other interpretative provisions set forth in this Code.

b. Subject to other provisions of this chapter, the letter designations P, S, and C in Table 13-362A, when used in connection with a particular use, shall mean the following:

1. The letter "P" means that the use is a permitted use in the indicated zone with a use permit issued pursuant to article II, Division 3, of this chapter.

2. The letter "S" means that the use is a special use in the indicated zone and is permissible with a use permit issued pursuant to article II, Division 3, of this chapter.

3. The letter "C" means that the use is a conditional use in the indicated zone and is permissible with a use permit issued pursuant to article II, Division 3, of this chapter.

(2) *Non-listed uses.* Because the list of uses set forth in the Table 13-362A cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that are similar in nature, size and effect on the community. The director shall have the authority to classify uses not included in this table, however, the intent of this section shall not be interpreted to allow a use in one land use zone when the use in question is more closely related to another specified use that is obtainable in another zone. Notwithstanding the above, all uses that are not listed in the table, are prohibited unless approved by the director.

(3) *Mixed uses.* Whenever a development could fall within more than one land use description in Table 13-362A, the description that most closely and most specifically describes the development shall be used.

TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
1.137 Potentially dangerous native wildlife, such as alligators, where not more than 2 per acre are kept	P	P	P	P	P	P	P	P	P	P	P											
1.138 Potentially dangerous native wildlife, such as alligators where more than 2 per acre are kept	S	S	S	S	S																	
1.200 AQUACULTURE, COMMERCIAL																						
1.210 Production of Water Animals, with or without processing such as fish, fowl or gator farm	S	S	S																			
1.220 Production of Water Plants with or without processing	P	P	P																			
1.230 Aquaculture Support Services	P	P	P																			
1.300 HORTICULTURE, COMMERCIAL																						
1.310 Production of ornamental plants & trees, greenhouse operation, sod farming																						
1.311 With no on-premises retail sales	P	P	P	P	P	S	S	S	S													
1.312 With on-premises retail sales of plants produced on site	P	P	P	S	S																	
1.320 Sod farming	P	P	P																			
1.330 Retail Plant Nursery																		P	P			
1.400 SILVICULTURE																						
1.410 Production of trees for timber	P	P	P																			
1.420 Forestry support services																						
1.421 Sawmill	S	S	S																	P		
2.000 RESIDENTIAL																						
2.100 SINGLE-FAMILY RESIDENCE																						
2.110 Single-family detached, one dwelling unit per parcel																						
2.111 Site-built & modular structures	P	P		P	P	P	P	P	P		P		P		P							
2.112 Class A mobile home	P	P		P	P	P	P	P	P	P		P		P	P							

TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
2.113 Class B mobile home	P			P		P		P		P		P		P	P							
2.200 TWO-FAMILY RESIDENCE																						
2.210 Duplex													P		P							
2.300 MULTI-FAMILY RESIDENCE																						
2.310 Multi-family apartments													P		P							
2.320 Multi-family townhomes													P		P							
2.330 Multi-family condominiums													P		P							
2.400 AGRICULTURAL HOUSING																						
2.410 For on-site agricultural labor	S	S																				
2.500 SPECIAL HOUSING																						
2.510 Community Residential Home (for elderly, physically disabled or handicapped, developmentally disabled, non-dangerous mentally ill, or children																						
2.511 With maximum of 6 residents	P	P		P	P	P	P	P	P	P	P	P	P	P	P							
2.512 With 7 through 17 residents	S	S		S	S	S	S	S	S													
2.520 Abused persons shelter with maximum of 14 residents	S	S		S	S	S	S	S	S													
2.530 Special housing with more than 14 residents																					S	
2.540 Half-way houses, for persons recovering from substance and/or alcohol abuse, with maximum of 6 such residents	S	S		S	S	S	S	S	S													
2.550 Additional housing units that support commercial, industrial, recreational or institutional uses																S	S	S	S	S	S	S
2.600 TEMPORARY HOUSING																						
2.610 In private residence																						
2.611 Bed & breakfast for not more than 4 guests at any given time	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P			

TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
2.612 Bed & breakfast, and rooming or boarding house for not more than 8 guests at any given time	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P			
2.620 Hotels, motels, and similar businesses or institutions providing overnight accommodations																	P	P	P			
2.630 Cabins, lodges or dormitories as part of fishing camp/marina or as part of camp owned by non-profit organization	S	S		S	S	S	S															
2.700 HOME OCCUPATION																						
2.710 Sales and services done exclusively within the home	S	S		S	S	S	S	S	S	S	S	S	S	S	S							
2.720 Sales and services done inside the home or other enclosed building	S	S		S	S	S	S	S	S													
2.730 Sales and services done inside the home, in other enclosed building, or outside	S	S		S	S																	
3.000 COMMERCIAL																						
3.100 RETAIL FOOD, BEVERAGES AND SUNDRIES SALES																						
3.110 Convenience food store (with or without gas sales); dairy store; produce, meat, poultry or seafood market, drug and sundry store																P	P	P	P			
3.120 Bakery, delicatessen, candy store, tobacco shop																P	P	P	P			
3.130 Roadside produce stand																						
3.131 For sale of products produce on site	P	P	P	P	P	P	P	P	P	P												
3.132 For sale of products produced off site																P	P	P	P			
3.140 Alcoholic beverages																						
3.141 Beer/wine by package only (1 APS & 2 APS lic.)																P	P	P	P			
3.142 Beer/wine by package or on-premises (1 COP & 2 COP lic.)																S	P	P	P			
3.143 Liquor on-premises only (8 COP SRX lic.)																S	P	P	P			

TABLE 13-362A PRINCIPAL USES																							
	Land Use Zones																						
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I	
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E	
		C			C	5	5		C														
PRINCIPAL USES							C																
3.144 Liquor on-premises only (8 COP S lic.)				S	S	S	S	S	S							S	S	S	S				
3.145 Liquor on-premises or package (8 COP Quota lic.)																	S	S	S				
3.146 Liquor by package only (3 PS lic.)																S	P	P	P				
3.150 Super market, drive-thru beverage sales																	P	P	P				
3.160 Restaurants																							
3.161 No drive-in or drive-thru service, no dancing or live entertainment, all service and consumption within fully enclosed building																P	P	P	P				
3.162 With drive-in or drive-thru service; dancing or live entertainment, in or outdoor dining																	P	P	P				
3.170 Food caterer																	P	P	P				
3.200 PERSONAL CARE SERVICES																							
3.210 Self service laundry, laundry/dry cleaning pickup station																P	P	P	P				
3.220 Barber shops and beauty salons																P	P	P					
3.230 Shoe repair shop, shoe shine stand																	P	P	P				
3.240 Physical fitness/therapy center, reducing salon, tanning salon																	P	P	P				
3.250 Tailor's shop, custom dress making, pressing & mending																	P	P	P				
3.260 Bath & massage parlor																	S	S	S				
3.300 DEPARTMENT, VARIETY AND GENERAL MERCHANDISE STORES																							
3.310 Department store, dry goods and variety store, clothing and shoe sales																	P	P	P				
3.320 Book and magazine store; stationary, card & gift shop; watch & jewelry store; antique shop																	P	P	P				
3.330 Toy and souvenir store, trading stamp center																	P	P	P				

TABLE 13-362A PRINCIPAL USES[illegible]

TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
3.421 Office supplies & equipment, business machines, print shop, book binding, data processing center																	P	P	P			
3.422 Electronics & communication equipment, optical instruments																	P	P	P			
3.423 Restaurant supplies & equipment, vending machine equipment																	P	P	P			
3.424 Safety equipment																	P	P	P			
3.425 Medical and dental supplies and equipment, dental lab																	P	P	P			
3.500 RECREATION, ENTERTAINMENT, AMUSEMENT AND HOBBIES																						
3.510 Arts & crafts store, coin & stamp dealer, Camera & photo shop, sporting goods & equipment, video store, bicycle shop, hobby shop, gun shop, camping equipment, taxidermist																	P	P	P			
3.520 Boats, boat trailers, marine motors & equipment, bait & tackle shop																		P	P			
3.530 Privately owned and operated indoor recreational facilities such as indoor theater, music or dance studio, skating rink, archery range, swimming pool, pool or game room, bowling alley, gymnasium, video game rooms																	P	P	P			
3.540 Privately owned and operated outdoor recreational facilities																						
3.541 Archery range, miniature golf course, skating rink, athletic fields, tennis courts, swimming pools, amusement park, drive-in theater																		P	P			
3.542 Horseback riding academy, stables and trails	P	P	P																			
3.543 Golf courses, golf driving range	S	S																P	P			

TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
3.544 Automobile, motorcycle horse and dog racing track	S	S																				
3.545 Go-cart track																		P	P			
3.550 Clubs and dance halls																						
3.551 Night clubs, private for profit clubs and dance halls																		P	P			
3.552 Bottle club																		S	S			
3.553 Sex shop, sexually oriented media shop, sexually oriented motion picture theater, or sexually oriented cabaret																				P		
3.560 Radio station, TV studios																						
3.600 HARDWARE; BUILDING MATERIALS, EQUIPMENT, SUPPLIES & FURNISHINGS																						
3.610 Hardware store, paint store, lighting store, glass & mirror shop, home & office furniture store, floor and wall coverings store, home furnishings store																		P	P	P		
3.620 Lumber yard, building, plumbing & electrical supplies, cabinet & carpentry shop, awning shop, sheet metal shop, sign shop, furniture refinishing, propane gas																			P	P		
3.630 Electric & gas appliance dealer, appliance repair, refrigeration equip. dealer, furnace & heating equip. dealer																		P	P	P		
3.640 Fire alarm & security systems dealer, locksmith shop, sharpening & grinding service																		P	P	P		
3.650 Pest control service, swimming pool equipment, supplies/service, janitorial supplies & service																		P	P	P		
3.660 Chemical supplies dealer																			S	S		
3.670 Building and heavy construction contractors, well drilling contractors																			P	P		

TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES																						
	Land Use Zones																					
<i>P = Permitted Use</i>	A	A	A	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	I	R	P
<i>S = Special Use</i>	1	1	C	R	R	R	R	R	R	2	2	4	4	6	6	N	L	H	R	D	E	I
<i>C = Conditional Use</i>	0	0		5	5	2.	2.	1	1	M	C	M	C	M	C						C	E
		C			C	5	5		C													
PRINCIPAL USES							C															
5.220 Private or parochial non-profit schools, (accredited) including associated grounds and facilities such as athletic buildings and dormitories																	S	S	S			P
5.230 Trade or vocational school																	S	P	P	S		P
5.240 Art, music or dancing school																	P	P	P			P
5.300 HOUSES OF WORSHIP, CULTURAL FACILITIES																						
5.310 Houses of worship																						
5.311 Churches, Synagogues, Temples and accessory buildings including elementary or secondary school buildings & residential structures for religious personnel	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			P
5.320 Cultural facilities																						
5.321 Library, museum																S	P	P	P			P
5.322 Art gallery, art center and similar uses (including associated educational and instructional activities																S	P	P	P			P
5.400 ORGANIZATION USES																						
5.410 Civic organization, union hall, and similar uses				S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P			
5.420 Social, fraternal club or lodge, sorority, veterans organization and similar uses				S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P			
5.430 Private, nonprofit organizations providing food, clothing or other material items, and schooling, training or other self-improvement programs, to the public at no charge	S	S		S	S	S	S										S	P	P	S		S
5.500 HEALTH CARE, INTERMENT, CHILD CARE																						
5.510 Medical, dental, optometry or psychiatric office or clinic																						
5.511 Not more than 2,000 s.f.																P	P	P	P			

TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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TABLE 13-362A PRINCIPAL USES	
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[illegible]

* Commercial uses permitted in the ID Zone within a distance of 300' from a parcel zoned residential or rural residential shall have all such activities, including storage and work areas, conducted and located entirely within a fully enclosed building(s), with the exception of direct loading/unloading between buildings and vehicles; or such activities must be approved as a special use.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 97-5, § 4, 2-25-97; Ord. No. 97-9, § 7, 4-22-97; Ord. No. 97-16, § 3, 10-28-97; Ord. No. 2000-1, § 2, 2-29-00; Ord. No. 2000-15, § 1, 5-23-00; Ord. No. 2000-19, § 2, 7-25-00; Ord. No. 2001-16, § 1, 11-27-01; Ord. No. 2003-2, § 2, 2-25-03; Ord. No. 2004-22, § 1, 8-24-04; Ord. No. 2005-9, § 6, 4-12-05)

Sec. 13-363. Temporary uses.

(a) *General.* This use is hereby established to allow temporary activities not normally permitted in the various land use zones, or activities for which permanent use is not desired. A temporary use is not a use of right and there is no presumption that it will be granted. No temporary use specified herein shall commence prior to receiving a use permit pursuant to article II, Division 3, of this chapter, and all development permits required for the installation of temporary structures or facilities.

(b) *Uses allowed and requirements*

(1) *Construction or reconstruction.*

a. Temporary structures or facilities to be used as a residence, or office for public use, during construction, repair or renovation of principal structure, including the use of mobile homes or recreational vehicles.

1. No temporary use shall commence unless and until a valid building permit has been obtained to construct, repair or renovate the principal structure on the property where the temporary structure is to be placed, except in cases of extreme personal hardship, such as where a residence has been damaged or destroyed by fire or other disaster to an extent which makes such dwelling uninhabitable, and such dwelling is to be rebuilt or repaired. In this case, the use may commence upon a use permit being issued but shall not be valid for more than ninety (90) days unless a valid building permit has been obtained to re-construct or repair the residence or other structure.

2. The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the proposed occupants of the principal structure to complete the construction, repair or renovation work necessary to make such building habitable.

3. The temporary structure or facility must be located on the same parcel as the structure under construction or repair and occupied by persons or entities who will occupy the constructed or repaired structure.

4. Any permits required for the installation of temporary structures or facilities shall be obtained prior to commencement of the use.

5. The temporary structure or facility must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after issuance of the certificate of occupancy, or occupancy, for the principal structure, whichever occurs first. A temporary use permit will be considered terminated if at any time the principal structure building permit becomes invalid.

b. Temporary construction yards, asphalt and concrete plants, petroleum contaminated soil treatment by biological means.

1. The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the original intended purpose to be completed.

2. Any permits required for the installation of the temporary structure or facility shall be obtained prior to commencement of the use.

3. Any temporary structures or facilities must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after conclusion of the activity for which the temporary permit was issued, whichever occurs first.

(2) *Security.* Temporary structures to be used to house security personnel in excess of that allowed as an accessory use, including the use of mobile homes or recreational vehicles.

a. The temporary structure must be located on the same parcel as the activity or use to be protected and occupied by persons who will provide the security.

b. The maximum period for which approval may be given is two (2) years. Renewals shall only be approved as is reasonably necessary to continue the required level of protection.

c. Any permits required for the installation of the temporary structure shall be obtained prior to commencement of the use.

d. The temporary structure must be removed from the property within thirty (30) days of the expiration of the Temporary Use Permit, or not later than thirty (30) days after the activity or use protected ceases, whichever occurs first.

(3) *Hardship.* Second principal residence on one (1) parcel of record in cases of extreme personal hardship, such as where a temporary residence, which may be an RV or mobile home, is needed to house a caregiver or care receiver for a relatively short period of time.

a. The general period for which approval may be given is three (3) years,

however, for good cause, the approving authority may grant a longer period.

b. The second principal building must be removed from the property within the time set forth in the variance as approved, but in no event later than six (6) months of the expiration of the temporary use permit, or not later than six (6) months after recovery or relocation of the person receiving care, whichever occurs first.

(4) *Special events.* Special events such as temporary public assembly activities for recreational or religious purposes such as carnivals, circuses, rodeos, tent revivals and other activities of a similar nature.

a. The maximum period for which approval may be given is fourteen (14) consecutive days or fourteen (14) special events over a one-year period.

b. Use requirements:

1. Sanitary arrangements and facilities to be used by the public and employees shall be approved, in writing, by the county environmental health officer.

2. The applicant shall demonstrate that adequate provisions for off street parking and loading will be made for the traffic generated by the event and that there will be no undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

3. Impacts on adjacent uses shall be minimized through limitations on operating hours and reasonable measures to limit off-site noise and lighting.

4. The applicant shall demonstrate adequate litter control.

5. All other standards of review or requirements set forth in this code may be modified, relaxed or not imposed at all in the approval of a special event permit upon a finding by the reviewing authority that no other standards or requirements are necessary. In addition, the reviewing authority may authorize a single event to be monitored with the capability of adding additional requirements if the experience of the first event warrants such additional or modified conditions or requirements.

c. In cases where it is deemed necessary, the commission may require the applicant to post a bond to insure compliance with the conditions of the temporary use approval.

d. If the applicant requests the county to provide extraordinary services or equipment, or if the commission determines that such is necessary to protect the public health, safety or welfare, the applicant shall be required to pay to the provider a fee sufficient to cover the costs of the service.

(5) *Sales.* Class A or B mobile homes may be used as temporary real estate sales

offices exclusively for sales/leasing of conventional dwelling or commercial buildings in the development in which it is located.

a. The maximum period for which approval may be given is two (2) years.

b. Notwithstanding subsection a., a temporary office shall be removed not later than thirty (30) days after sale or lease of all of the dwelling units or lots or commercial space in the project in which located.

(6) *Agricultural uses.* Grazing by farm animals, at densities not exceeding those specified in this chapter for permitted uses, and production of trees for timber are allowed as temporary uses in all land use zones, until development pursuant the parcel's assigned land use occurs.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2000-12, §§ 15--17, 4-25-00; Ord. No. 2006-6, § 1, 1-31-06)

Sec. 13-364. Accessory uses.

(a) *General.*

(1) *Established.* This use is hereby established to allow activities which are customarily incidental to the principal or temporary use, provided they meet the following general requirements:

a. An accessory use is a use of right after a principal use is established on the property. Unless otherwise provided, no accessory use or structure is permitted on a parcel that does not contain the principal use or structure, except that permitted agricultural uses may be established on rural residential property prior to a principal use being established.

b. Accessory uses must comply with standards pertaining to the principal use unless specified otherwise in this chapter.

c. Unless specified otherwise herein, accessory uses are intended to be for the principal use of residents, occupants, guests and employees of the development on which they are located and not for use by the general public.

(b) *Specified accessory uses.* Without limiting the generality of subsection (a), the following activities, provided they satisfy the general criteria set forth above, are specifically presumed to be accessory:

(1) *General.* For all land use zones.

a. Detached or attached storage or other utility type buildings.

b. Satellite dishes for private use only, when at ground level or mounted on

rooftop.

- c. Ham radio mast/antenna facilities for private use.
- d. Swimming pools.
- e. On-site utilities, including water and sewer facilities, serving only the project on which they are located.

(2) *Residential accessory uses.*

a. Offices or studios within a residence where such office or studio is not visited by the public or used by anyone other than a person residing in that residence, and where such office or studio is used to carry on administrative or artistic activities of a commercial nature, so long as such activities do not create an impression of commercial use, display signs, or fall within the definition of a home occupation.

b. Hobbies or recreational activities of a noncommercial nature.

c. The renting out of one room and bath, with or without board, within a single-family residence (which room does not in itself constitute a separate dwelling unit) to not more than two persons.

d. Yard or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 30-day period.

e. Use of recreational vehicle as a temporary second residence on a parcel for a period of not more than five (5) days in any sixty-day period, provided adequate sanitary facilities are provided.

f. The following activities shall not be regarded as accessory to a residential principle use and are prohibited in residential districts without specific approval:

1. Home occupations as defined herein.

2. Storage of more than one (1) unregistered motor vehicle outside of an enclosed structure or area.

g. Accessory family cottages shall be allowed in agricultural and residential zoning categories, subject to the following standards:

1. No more than one (1) principal structure and one (1) accessory family cottage dwelling unit shall be permitted on any lot or parcel that is one-half (1/2) acre or more in size. One (1) principal structure and one (1) accessory family cottage shall be permitted on two (2) or more aggregated lots if, prior to the date that a building permit is issued, the owner shall execute and Sumter County shall record in the public

records of Sumter County, at the owner's expense, a legal document prohibiting the subdivision of the aggregated lots.

2. Accessory family cottages may be attached to the principal structure or may be freestanding.
3. The living area of an accessory family cottage shall be at least four hundred (400) square feet in size, and may be a maximum of forty (40) percent of the gross floor area of the principal residential structure not to exceed twelve hundred (1,200) square feet.
4. Both the principal structure and the accessory family cottage must be conventionally constructed (site built) structures.
5. Neither the principal structure nor the accessory family cottage may be a townhouse.
6. The accessory family cottage must be designed and located to be compatible with the appearance of the principal structure as a one-family dwelling unit.
7. The construction of an accessory family cottage must not create parking or drainage problems, and must conform to all setback provisions of this code.
8. The principal dwelling unit and the accessory family cottage shall share the same access point and drive.
9. The use of an accessory family cottage is restricted to members of the family residing in the principal structure.
10. The accessory family cottages shall not be sold, transferred, or conveyed as a residential unit separate and apart from the principal dwelling unit.
- h. Prior to construction of a conventionally built residential unit, placement or construction of an accessory storage building:
 1. Not to exceed one thousand (1,000) square feet.
 2. For use only for storage of building materials and equipment during construction, or for the storage of the property owner's personal items.
 3. The building plans for the principal structure must be submitted prior to the placement or construction of the accessory building.
 4. Building permits must be obtained for the accessory building, even if that unit is exempted under other sections of this code.

(3) *Residential development projects.*

- a. Temporary real estate sales offices in residential developments, of the same type of construction as the residences being offered for sale, exclusively for real estate sales of housing in the development in which it is located.
- b. Golf courses, clubhouses and other indoor and outdoor recreation facilities.
- c. Community/recreation centers, laundry rooms and mail distribution facilities.

(4) *Commercial.*

- a. Dining rooms, cafeterias, snack shops, day care and employee fitness centers for the exclusive use of employees, clients and guests, and not open to the general public.
- b. One residential unit (conventional construction or Class A or B mobile home) for owner/operator or security purposes, per parcel.

(5) *Industrial.*

- a. Dining rooms, cafeterias, snack shops, day care and employee fitness centers for the exclusive use of employees, clients and guests, and not open to the general public.
- b. One residential unit (conventional construction or mobile home) for owner/operator or security purposes, per parcel.
- c. Retail sales and service accessory to an industrial use on the same parcel, provided:
 - 1. Such parcel has frontage on a paved, publicly maintained road.
 - 2. Any product line offered for sale on the parcel must have at least sixty (60) percent of its total manufactured costs incurred on the property.

(6) *Institutional.*

- a. General. Dining rooms, cafeterias, snack shops, book stores and fitness centers for the primary use of institutional employees, clients and guests, and not open to the general public.
- b. Churches.

1. One (1) residential unit (conforming to the requirements of the parcel's land use zone) for ministers/clergy or security purposes, per two-hundred (200) sanctuary seats.
2. Multi-use buildings for worship and church provided counseling, recreation and fellowship activities.
- c. Civic or social organization. One (1) residential unit (conforming to the requirements of the parcel's land use zone) for caretaker or security purposes, per parcel.

(7) *RV PUD.*

- a. Accessory structures and buildings for park operations such as park office, maintenance shops, storage buildings, dump stations, and recreational facilities for exclusive use of park residents and guests (e.g. community/recreation centers, game room, golf course, club house, swimming pool, and other indoor and outdoor recreation facilities).
- b. Convenience establishments described as establishments for sale or rental of supplies and provision of services for daily or frequent needs of occupants of the PUD. Such establishments include but are not necessarily limited to those providing groceries, ice, sundries, self-service laundry and bottled gas.
- c. Conventional, mobile home or RV for personal residence of owner/manager or caretaker at the rate of one such dwelling for each fifty (50) RV sites.
- d. Storage areas for RV's, boats, etc.
- e. Common open space.
(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2001-1, § 1, 1-16-01; Ord. No. 2002-1, §§ 1, 2, 1-15-02; 2004-49, §§ 1, 2, 12-14-04)

Sec. 13-365. Prohibited uses.

The following land uses are specifically prohibited in all land use zones:

- (a) *Hazardous materials.*
 - (1) Combustible and explosive materials. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of Sumter County's life and fire safety codes.
 - (2) Handling, storing, transferring or processing of waste radioactive materials, except on-site by generators.
 - (3) Landfills or other land disposal facilities for biohazardous or hazardous

wastes, or petroleum contaminated soil.

(4) Handling, storing, transferring or processing of waste gases which debilitate or destroy human biological systems, except on-site by generators.

(5) In addition to the above, any uses, operations or structures involving waste materials which pose potentially serious health, safety or welfare concerns for the community, which are not specifically, provisionally, or by reasonable implication authorized in Table 13-362A, or in any other section of this chapter, are expressly prohibited. The director shall be responsible for refusing acceptance of application submittals for uses not provided for herein, however, any such refusal may be appealed to the commission, as provided for in section 13-236.

(b) *Storage buildings.*

(1) The use of vehicles, mobile homes, travel trailers, semitrailers, shipping or storage units, boats, tents, tanks, mobile units (which are structures transportable in one (1) or more sections built on an integral chassis and generally are designed to be used as an office, classroom studio or other similar use and which are not permanently affixed to a foundation or slab), and any similar item as storage buildings, utility buildings, pump houses, and similar uses is prohibited, except as follows:

a. Over the road semi-trailers and shipping or storage containers may be used as a non-residential farm building classified as exempt development pursuant to section 13-171, on parcels of land of not less than ten (10) acres which is zoned agricultural and as long as all applicable set backs are complied with. Shipping and storage units shall not be stacked. There shall be no more than two (2) such shipping or storage units utilized per parcel.

b. Semi-trailers and shipping or storage units may be used temporarily on commercial, industrial and institutional parcels for no more than thirty (30) days in any six-month period. Shipping and storage units shall not be stacked.

c. Semi-trailers and shipping or storage units may be used for storage of construction materials relating to new construction or remodeling projects for up to thirty (30) days after issuance of the certificate of occupancy. Shipping and storage units shall not be stacked.

(c) *Pre HUD mobile homes.* Mobile homes constructed prior to June 15, 1976.

(d) *Wellfields for exportation of water.* Wellfields supplying ground water to other counties, unless approved by the commission and the Withlacoochee Regional Water Supply Authority.

(e) *Sludge and septage.*

(1) Stockpiling of sludge or septage for land spreading, except as specifically approved.

(2) Disposal of sludge or septage which causes a nuisance.

(f) Massage parlors or massage establishments operated by any person not licensed by the State of Florida to provide massage services;

(g) Motion picture arcades or arcade booths.

(Ord. No. 96-23, § 9, 12-16-96; Ord. No. 2003-1, 1-14-03; Ord. No. 2003-13, § 1, 8-12-03; Ord. No. 2005-9, § 13, 4-12-05)

Secs. 13-366--13-380. Reserved.

DIVISION 6.

RESERVED

Secs. 13-381--13-500. Reserved.